

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ AUG 31 2010 ★
BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CAROLYN WIDO, Individually and as personal
representative of the Estate of TISA SMITHEY, and as
guardian and Next Friend of NICHOLAS TUGDAY, a
Minor, and DUANE SMITHEY, as Guardian and Next
Friend of KYLE SMITHEY, a Minor,

Plaintiff,

-against-

THE ABBOTT LABORATORIES, BURROUGHS-
WELLCOME & CO., INC., n/k/a Glaxo Wellcome,
Inc., CARNRICK LABORATORIES, INC., DART
INDUSTRIES INC., p/k/a Rexall Drug Company, Inc.,
ELI LILLY AND COMPANY, KREMERS-URBAN
CO., n/k/a Mequon Company, LANNETT CO., INC.,
McNEILAB, INC. n/k/a Ortho-McNeil Pharmaceutical,
MALLINCKRODT INC., S.E. MASSENGILL, n/k/a
SmithKline Beecham Corp., MERCK & CO., INC.,
MERRELL DOW PHARMACEUTICALS, INC.,
PREMO PHARMACEUTICAL LABORATORIES,
INC., p/k/a Lemmon Co. of N.J., Inc., RHONE-
POULENC RORER PHARMACEUTICALS, INC.,
p/k/a William H. Rorer, Inc., ROWELL
LABORATORIES, INC., n/k/a Solvay
Pharmaceuticals, E.R. SQUIBB & SONS, INC., and
THE UPJOHN COMPANY.

Defendants.

X

Case Number 07 CV 3430

**STIPULATION OF
DISMISSAL
WITH PREJUDICE AS TO
PHARMACIA & UPJOHN
COMPANY LLC**

X

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the
attorneys of record for plaintiff Carolyn Wido, as Executrix of the Estate of Tisa Smithey and
Defendant Pharmacia & Upjohn Company LLC f/k/a The Upjohn Company in the above-
entitled action, that whereas no party hereto is an infant, incompetent person for whom a
committee has been appointed or conservatee and no person not a party has an interest in the

subject matter of this action, the above-entitled action be, and the same hereby is, discontinued with prejudice as against **Pharmacia & Upjohn Company LLC f/k/a The Upjohn Company** and without costs to either party hereto as against the other.

This stipulation may be filed without further notice with the Clerk of the Court.

Dated: New York, New York
February , 2010

OFFICE OF SYBIL SHAINWALD, ESQ.

By: Sybil Shainwald
Sybil Shainwald
Attorney for Plaintiff
Estate of Tisha Smithey

DRINKER BIDDLE & REATH LLP

By: Heidi E. Hilgendorf
Heidi E. Hilgendorf
Attorneys for Defendant
Pharmacia & Upjohn Company LLC
f/k/a The Upjohn Company
140 Broadway, 39th Floor
New York, New York 10005
(212) 248-3140

SO ORDERED this 8th day of
Aug, 2010

Honorable Eric N. Vitaliano

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